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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/323,135	06/01/1999	CHRISTIAN LAROQUE	Q054622	8820

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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/323,135

Applicant(s)

LAROQUE ET AL.

Examiner

Justin M Philpott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 2,4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 December 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. In the Amendment filed January 2, 2003, Applicant has amended claims 1-4 to correct typographical errors and overcome the rejection under 112, second paragraph, and has further added new claims 5-8. Applicant also has amended the specification to correct typographical errors and has submitted a proposed drawing correction. Accordingly, the specification and the drawings are no longer objected to. Applicant has also requested that the foreign language references submitted with the June 1, 1999 Information Disclosure Statement should be considered because the attached International Search Report provides sufficient explanation of relevance by designation (X, Y or A). Accordingly, the foreign language references have been considered as presented, however, while not required of Applicant, because of its significant relevance (designated by X) if Applicant has available an English translation copy of the reference "DE 196 44 787 C" the Office respectfully requests that such a copy be filed. Applicant has also requested clarification as to why box 13(b) was checked on Form PTO-326 instead of box 13(a). The error has been corrected and the attached Form PTO-326 correctly designates box 13(a).

### ***Response to Arguments***

2. Applicant's arguments filed January 2, 2003 have been fully considered but they are not persuasive.

3. Applicant argues that DeCiutiis fails to disclose or suggest a signaling configuration that is dependent on the signaling resources accessible to the coupler. Applicant's argument, however, is not persuasive. DeCiutiis does in fact clearly teach that the signaling configuration (access code) is dependent on the signaling resources (e.g., memory 28 in FIG. 1) accessible to the coupler (CPU 19). Specifically, DeCiutiis states, "A memory 28 (FIG. 1) is associated with the CPU 19 for storing predetermined access codes each identifying a separate service provider" (col. 4, lines 43-45). Furthermore, DeCiutiis teaches the selection of the signaling configuration (access code) depends on a controller 100 (comprising CPU 19, see FIG. 5) which selects the signaling configuration (access code) from a memory list according to an algorithm (see col. 5, lines 7-38). Thus, DeCiutiis clearly teaches that the signaling configuration (access code selected) is dependent on the signaling resources (i.e., memory 28 and the particular algorithm designated) accessible to the coupler (CPU 19). Accordingly, claims 1 and 3 remain rejected under 102(e) as being anticipated by DeCiutiis. Furthermore, new claims 5-8 are rejected in the following detailed action under 102(e) as being anticipated by DeCiutiis.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 3 and 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,668,955 to DeCiutiis et al.

Regarding claims 1 and 3, DeCiutiis teaches a switch (access controller 100, see FIGS. 4A and 4B) with a signaling coupler (CPU 19, see FIG. 5 and col. 4, lines 35-58), the switch

further including an interpreter (see col. 14, lines 8-18, specifically lines 14-18) to produce a signaling configuration (access code, see col. 4, lines 35-58) on receiving a predetermined character string (e.g., receiving a first digit of "one", col. 15, line 40) corresponding to an order to send a signaling message (access code attached to telephone number), the signaling configuration depending on the signaling resources accessible to the coupler (CPU 19).

Regarding claims 5 and 7, the interpreter (access controller) of DeCiutiis is configured to process an ATM protocol (i.e., serial protocol, see col. 19, lines 4-16 and specifically lines 11-16).

Regarding claims 6 and 8, the interpreter of DeCiutiis comprises a microprocessor (CPU 19) associated with a program (e.g., algorithm, see col. 4, lines 43-58).

#### *Allowable Subject Matter*

6. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 703.305.7357. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 703.308.6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.4750.

Justin M Philpott

*JMP*

February 24, 2003



HUY D. VU  
SUPERVISORY PATENT EXAMINER  
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